

# THE NEW ORLEANS DEMOCRAT, MONDAY, NOVEMBER 17, 1879.

## DAILY DEMOCRAT.

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One Year.	\$1.50
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Three Months.	.50

Payable in Advance.

E. A. BURKE, Managing Editor.

NEW ORLEANS, NOVEMBER 17, 1879.

### DEMOCRATIC STATE TICKET.

For Governor,  
**LOUIS ALFRED WILTZ,**  
Of Orleans.

For Lieutenant Governor,  
**SAMUEL D. McENERY,**  
Of Ouachita.

For Attorney General,  
**J. C. EGAN,**  
Of Claiborne.

For Secretary of State,  
**WILL A. STRONG,**  
Of Wm.

For Auditor,  
**ALLEN JUMEL,**  
Of Iberville.

For Superintendent of Public Education,  
**EDWIN H. FAY,**  
Of East Feliciana.

### THE REPUBLICAN CONSTITUTION.

Thirteen years' State and city government has cost Louisiana in direct taxation—

State government.	\$50,000,711.63
City government.	\$8,479,095.61
Total.	\$108,480,644.24

### THE DEMOCRATIC CONSTITUTION.

Thirteen years of State and city government under the new constitution cannot cost Louisiana more, on the assessment of 1879.

State government.	\$12,400,000.00
City government.	21,700,000.00
Total.	\$34,100,000.00

Difference to the credit of the Democratic-Conservative party, \$74,910,644.24.

### WEATHER PROBABILITIES.

For the West Gulf States, falling followed by rising barometer, warm southerly winds, generally shifting to cooler northerly, partly cloudy weather and local rains.

The public would be edified by a publication of the names of the Democrats who are intriguing to effect a combination with Republicans in this city, and to know why Taylor Besse is telegraphed to come to New Orleans and take advantage of Democratic dissensions.

The Augusta Chronicle and constitutionalists thinks, with some reason, that the re-election of Sharon to the Senate from Nevada will be a Democratic gain. It argues that he will never appear in his seat, and there will be one Republican less to answer roll call.

The New York papers are discussing Mr. Kerman's successor in the Senate. Among others mentioned are William M. Evarts and George W. Curtis. The discussion is premature for good and sufficient reasons, and the gentlemen named are entirely out of the question. In the first place, the Legislature which will elect Mr. Kerman's successor is yet to be elected; and in the second, if the Republicans are successful Conkling will name the next Senator. This rules both Evarts and Curtis out of the race. The first named aspirant has not yet eaten sufficient crow to please Mr. Conkling, and the latter has refused to eat of the dish at all.

Representative Fenton, of the Seventh Georgia District, has just written a letter which it is heralded from Washington, "will create a profound impression throughout the entire South." The letter in question takes the ground that the late elections were a deathblow to Democratic hope, and that the party cannot be held together any longer in this section, and especially in Georgia. As Mr. Fenton has been doing his level best to break up the party for four years past, it is hard to understand why his views just now are of special importance. He was elected as an independent, by the aid of a Republican voter, and his sympathies are naturally in that direction. His views concerning the Democratic party and its future are about as valuable as those of old Thurlow Weed.

In a total vote of 750,000 a majority of 1000 is too slim to figure on for 1880, especially when there is a shrewd suspicion abroad that the returns have been "doctored." So the Republicans of New York will do precious little boasting over the "apparent" election of Hoskins over Potter. There have been several elections in New York, however, when the votes have been closer, and when there was no suspicion of foul play. The most notable instances were in 1850, when Washington Hunt defeated Horatio Seymour for Governor by about 250 majority; and again, four years later, when Myron Clark defeated Mr. Seymour by a plurality of 260. The aggregate vote on these occasions was much smaller than that cast on the fourth instant.

The late election in Canada was fought on the protective tariff question. The protectionists declared that the languishing condition of Canada was due to American competition, and that what the country needed was a protective tariff. They won, and heavy duties were placed at once on all imported articles without, however, producing the result expected. They have now started a new scheme to produce flush times in the Dominion by issuing \$300,000,000 in irredeemable paper money; they think, will improve the condition of Canada for some years to come.

### THE SENATE COMMITTEE.

Senators Hill, Vance and Cameron arrived in our city Sunday, and will to day commence the investigation of the claim of Wm. Pitt Kellogg to a seat in the United States Senate.

It is perhaps quite as well that the committee should brace themselves for a tedious and unpleasant task, and one which they will find beset with more difficulty than they possibly anticipate. In this community, the practice by which this pretender reached his bad eminence are matters of common notoriety, the sickening tales of false registration, false returns, bribery and perjury connected with his pretended election, have been so often told, in fact were in the estimation of this community, so manifestly true, that years of investigation could add but little to the popular estimate of the man.

A few of the difficulties which the committee will encounter arise from the fact that the United States Custom House has been converted into a vast house of refuge for the shelter of the criminals of that port, any one of whom need only drop a threat of perjury on his "pals" to enable him to secure lodgings in the granite building.

The coming of the Senate committee has, however, created a flutter in the ranks, and anxious notables are hastening to muster the "old guard" for the fray. Shift-backed and brazen partisans are industriously coming their lessons and reviewing the record of their past rascallities, and even as we write comes the intelligence that weak-kneed and uncertain witnesses that are now borne upon the rolls, are to be split away, or dispatched to other ports upon various pretexts.

Of course the committee will not submit to such trifling, but the consternation prevailing in the Custom House shows a consciousness of the impending danger. The most surprising thing in all this business is how the man who is regarded as the most faithless of all members of the Republican party should be protected by the men whom he has so often deceived, and that in the face of the fact that Kellogg is an open advocate of Grant, the supporters and employees of Sherman, who know his rascallities, have not dared to speak the truth.

The character and ability of the members of this committee will insure a fair and searching investigation, and the result we predict will not long be in doubt.

### M. BEHAN'S PLAN.

HEADQUARTERS DEMOCRATIC CONSTITUTIONAL COMMITTEE, State Central Committee, REPORT OF THE LAW COMMITTEE TO THE EXECUTIVE COMMITTEE.

The undersigned report that they have thoroughly examined the legal question submitted to them, and have concluded that, at the general election no person is eligible to the Senate from this district, he can justify a rest in that district for two years immediately preceding his election.

Constitution, article 23, provides: "That no person shall be eligible to the General Assembly, unless at the time of his election he has been a citizen of the United States for five years, and an actual resident of his district for one year, which may be elected for two years immediately preceding his election."

It is contended that, in the parish of Orleans, where there is no Senatorial District, it is sufficient to have the qualifications of a voter for the parish at large in order to be eligible to the General Assembly from any Representative Senatorial District; because, it is said, the sole requirement of the candidate to be elected is that he be a voter of his district or parish, in the disjunctive, and it is sufficient to comply with the one or other requisite.

There are, however, other legals in the constitution upon that subject matter, which show conclusively that the required residence in the district must be had for the election of a Senator to that district, and not as an alternative. Indeed, the very article 23, uses the very same terms, provided that: "The seat of any senator, may change his residence from the district or parish which he represents, so long as he continues in office."

By virtue of remaining one would be eligible to reside either in the district or in the parish, but his seat would be vacated by changing his residence, either from the parish or from the district.

This interpretation would thus fasten upon the voter, as well as the representative, the burden of the tariff, the wharf bonds, and the like.

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We confess that the scheme is most fascinating. It would, indeed, be killing two highly valuable birds with one stone if we could simultaneously free ourselves from the grievous obligation of the wharf bonds, and secure for the commerce of the port a much needed accommodation all without expense.

In any quarter, Mr. Behan has set out with a praiseworthy end in view, and has built up a most attractive theory. But there are difficulties. If we declare that the wharf bonds are invalid, or even that the city is under no obligation to levy special charges for their redemption, how are we to enforce the present tariff of wharfage dues? It is already a question whether those dues could be collected if the owners of the shipping chose to resist. The Supreme Court has declared that no port has the right to impose a tax upon commerce further than is actually necessary for the proper maintenance of the wharves. It is, presumably, therefore, that those persons who pay the bills presented by the wharf leases do so in ignorance of the facts, or because they prefer that to the expense and trouble of litigation. Collecting the present dues, then, in this precarious fashion, how could we count upon collecting them at all if we once formally repudiated the basis of the tariff, the wharf bonds?

There is nothing to excuse the onerous rates now charged, except the imperative and irremediable necessity of redeeming the wharf bonds. If we refuse to recognize them, we destroy the pretext for the large majority levee dues and can make no legitimate claim for the revenue.

Again, we see that Mr. Behan's scheme contemplates the perpetuation of the wharf leases, who are to be relieved of the obligation of taking up the fixed number of wharf bonds—an obligation which has become a trifling one—and are to be allowed, instead, to devote such surplus of the wharf revenues to the erection of levee sheds?

Unless our memory fails us, the chief argument used by the lessees and their friends was the absolute necessity of paying these wharf bonds. The whole fabric of this remarkable sale of public franchises was predicated upon the vital importance of retiring the bonds and the utter ruin which the city would suffer in case of failure to do so. It was shown that Messrs. Ellerman were the only persons who could save the city, and upon this theory they received the contract. Now, if it be discovered and announced that the wharf bonds be invalid or doubtful or, at least, that the city is not bound to make special provision for their redemption, what becomes of the contract of the lessees? What further excuse is there for maintaining these gentlemen in possession of the only valuable franchise the city still retains? If one premise of the contract be fallacious, the whole instrument is null and void, and the franchise, ipso facto, reverts to the city.

These points deserve and require consideration by the Council. Mr. Behan's plan is intrinsically beautiful, but it is surrounded and hemmed in by difficulties. Granted that we need the levee sheds; granted that we

sheds should be erected and maintained at the least possible cost to the city and without imposing any additional charge upon commerce. But why need the present enormous wharf charges be exacted if they are not absolutely necessary, and why must this great public and commercial enterprise be made to involve the perpetuation of such excessive burdens upon commerce?

### WITHDRAWAL OF JUDGE GEO. H. BRAUGHN.

A serious doubt having arisen as to the eligibility of Judge Geo. H. Braughn for the office of Senator of the Third District, the question was taken under advisement by the Democratic and Conservative State Central Committee, and was also submitted to Hon. Thos. J. Semmes. We append both opinions and also the letter of Mr. Braughn, withdrawing from the canvass. Mr. Braughn's action in thus graciously withdrawing from the ticket, even though he entertained doubts as to his fitness, is worthy of the very highest commendation, and there can be no doubt his marked ability and knowledge of legislative affairs would have made him a valuable member of the Senate. It is gratifying to know that Mr. Braughn does not propose to remain, like Achilles, in his tent during the contest but will give his cordial and active support to the ticket. This is surely, and cannot fail to win the recognition it deserves.

MR. SEMMENS' OPINION.

NEW ORLEANS, November 14, 1879.

Most the ablest officers that is in the State whose situation is practised for in the schedule of the new constitution possess the qualifications for office prescribed in the constitution?

The individuals do not say so. On the contrary, they say that the qualifications of the offices shall be conducted, and the offices shall be made in conformity with existing laws upon the subject of State elections."

I understand that Judge Braughn is qualified under the constitution to be a Senator.

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